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In re Application of :
Ian Alexander Shiels, et al. :
Application No. 10/531,560 : DECISION DISMISSING PETITION
Filed: January 27, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 36672.6 :
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 5, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

Because of the inclement weather in DC Metro area on Friday, February 5, 2010 the federal government was closed 4 hours early. The inclement weather has caused the federal government to remain closed from Monday, February 8, 2010 through Thursday, February 11, 2010. The petition to withdraw from issue was not received into the office until 1:32 pm on February 5, 2010, after the office was closed.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$810 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Application No. 10/531,560

Page 2

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.



Terri Johnson
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Office of Petitions